

Indiana Code of Judicial Conduct

Citation Correlation Table

and

Highlights of Proposed Amendments to Model

2007 ABA Model Code to Proposed 2009 Code (Ethics Committee Draft)

(Sections and subsections are listed only if amended, added, or deleted)

2007 ABA MODEL CODE	PROPOSED 2009 INDIANA CODE
Preamble	Preamble
Scope	Scope
Terminology	Terminology <ul style="list-style-type: none">• Deleted “Aggregate”• Added “Continuing Part-Time Judge”• Added “Periodic Part-Time Judge”• Added “Pro Tempore Part-Time Judge”
Application	Application
I. Applicability of This Code	I. Applicability of This Code <ul style="list-style-type: none">• Incorporated (B) into (A)• Expanded list of judicial officers• Referred to three rather than four types of part-time judges• Excluded mediators, arbitrators, and administrative law judges• Deleted (B)
II. Retired Judge Subject to Recall	Deleted section

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<p>III. Continuing Part-Time Judge</p> <p>IV. Periodic Part-Time Judge</p> <p>V. Pro Tempore Part-Time Judge</p> <p>VI. Time for Compliance</p>	<p>II. Continuing Part-Time Judge</p> <ul style="list-style-type: none"> Deleted reference to retired judge subject to recall Deleted exemptions from Canon 4 rules Changed to section II <p>III. Periodic Part-Time Judge</p> <ul style="list-style-type: none"> Added reference to senior judges Changed to section III <p>IV. Pro Tempore Part-Time Judge</p> <ul style="list-style-type: none"> Added V(C) prohibiting <i>pro tem</i> from later serving as lawyer in proceeding unless authorized by the Rules of Professional Conduct Changed to section IV <p>V. Time for Compliance</p> <ul style="list-style-type: none"> Changed to section V
<p>Canon 1 A Judge Shall Uphold and Promote the Independence, Integrity, and Impartiality of the Judiciary, and Shall Avoid Impropriety and the Appearance of Impropriety.</p>	<p>Canon 1 A Judge Shall Uphold and Promote the Independence, Integrity, and Impartiality of the Judiciary, and Shall Avoid Impropriety and the Appearance of Impropriety.</p>
<p>Rule 1.1: <i>Compliance with the Law</i></p> <p>Rule 1.2: <i>Promoting Confidence in the Judiciary</i></p> <p>Rule 1.3: <i>Avoiding Abuse of the Prestige of Judicial Office</i></p>	<p>Rule 1.1: <i>Compliance with the Law</i></p> <p>Rule 1.2: <i>Promoting Confidence in the Judiciary</i></p> <p>Rule 1.3: <i>Avoiding Abuse of the Prestige of Judicial Office</i></p>
<p>Canon 2 A Judge Shall Perform the Duties of</p>	<p>Canon 2 A Judge Shall Perform the Duties of</p>

Judicial Office Impartially, Competently, and Diligently.	Judicial Office Impartially, Competently, and Diligently.
Rule 2.1: <i>Giving Precedence to the Duties of Judicial Office</i>	Rule 2.1: <i>Giving Precedence to the Duties of Judicial Office</i>
Rule 2.2: <i>Impartiality and Fairness</i>	Rule 2.2: <i>Impartiality and Fairness</i>
Rule 2.3: <i>Bias, Prejudice, and Harassment</i>	Rule 2.3: <i>Bias, Prejudice, and Harassment</i>
Rule 2.4: <i>External Influences on Judicial Conduct</i>	Rule 2.4: <i>External Influences on Judicial Conduct</i>
Rule 2.5: <i>Competence, Diligence, and Cooperation</i>	Rule 2.5: <i>Competence, Diligence, and Cooperation</i>
Rule 2.5(A) (perform all duties competently and diligently)	Rule 2.5(A) <ul style="list-style-type: none"> • Added “and promptly”
Rule 2.6: <i>Ensuring the Right to Be Heard</i>	Rule 2.6: <i>Ensuring the Right to Be Heard</i>
Rule 2.7: <i>Responsibility to Decide</i>	Rule 2.7: <i>Responsibility to Decide</i>
Rule 2.8: <i>Decorum, Demeanor, And Communication with Jurors</i>	Rule 2.8: <i>Decorum, Demeanor, And Communication with Jurors</i>
Rule 2.9: <i>Ex Parte Communications</i>	Rule 2.9: <i>Ex Parte Communications</i>
Rule 2.10: <i>Judicial Statements on Pending and Impending Cases</i>	Rule 2.10: <i>Judicial Statements on Pending and Impending Cases</i>
Rule 2.11: <i>Disqualification</i>	Rule 2.11: <i>Disqualification</i>

Rule 2.11(A)(4) (maximum campaign contributions triggering disqualification)	<ul style="list-style-type: none"> Deleted rule
Rule 2.11(A)(5)	<p>Rule 2.11(A)(4)</p> <ul style="list-style-type: none"> Changed citation only
Rule 2.11(A)(6)	<p>Rule 2.11(A)(5)</p> <ul style="list-style-type: none"> Changed citation only
Rule 2.11(C) (waiver of disqualification)	<p>No corresponding citation</p> <ul style="list-style-type: none"> Deleted rule
Rule 2.12: <i>Supervisory Duties</i>	Rule 2.12: <i>Supervisory Duties</i>
Rule 2.13: <i>Administrative Appointments</i>	<p>Rule 2.13: <i>Hiring and Administrative Appointments</i></p> <ul style="list-style-type: none"> Added “Hiring and” to title
Rule 2.13(A) (judge shall exercise appointment powers impartially; shall avoid nepotism and favoritism)	<p>Rule 2.13(A)</p> <ul style="list-style-type: none"> Incorporated 2.13(A)(1) and (2) into 2.13(A) Added “hiring” Changed “avoid nepotism” to “shall not engage in nepotism”
Rule 2.13(A)(1)	<p>No corresponding citation</p> <ul style="list-style-type: none"> moved to 2.13(A)
Rule 2.13(A)(2)	<p>No corresponding citation</p> <ul style="list-style-type: none"> moved to 2.3(A)
Rule 2.13(B) (maximum campaign contributions from appointees)	<ul style="list-style-type: none"> Deleted rule

<p>Rule 2.13(C)</p> <p>Rule 2.14: <i>Disability and Impairment</i></p> <p>Rule 2.15 Responding to Judicial and Lawyer Misconduct</p> <p>Rule 2.15(C) Rule 2.15(D)</p> <p>Rule 2.16: <i>Cooperation with Disciplinary Authorities</i></p> <p>No corresponding rule</p>	<p>Rule 2.13(B)</p> <ul style="list-style-type: none"> • Changed citation only <p>Rule 2.14: <i>Disability and Impairment</i></p> <p>Rule 2.15 Responding to Judicial and Lawyer Misconduct</p> <p>Rule 2.15(C) Rule 2.15(D)</p> <ul style="list-style-type: none"> • Added “credible” • Added “credible” <p>Rule 2.16: <i>Cooperation with Disciplinary Authorities</i></p> <p>Rule 2.17: <i>Prohibiting Broadcasting of Proceedings</i></p> <ul style="list-style-type: none"> • Added rule
<p>Canon 3</p> <p>A Judge Shall Conduct the Judge’s Personal and Extrajudicial Activities to Minimize the Risk of Conflict with the Obligations of Judicial Office.</p>	<p>Canon 3</p> <p>A Judge Shall Conduct the Judge’s Personal and Extrajudicial Activities to Minimize the Risk of Conflict with the Obligations of Judicial Office.</p>
<p>Rule 3.1: <i>Extrajudicial Activities in General</i></p> <p>Rule 3.2: <i>Appearances before Governmental Bodies and Consultation with Government Officials</i></p> <p>Rule 3.3: <i>Testifying as a Character Witness</i></p>	<p>Rule 3.1: <i>Extrajudicial Activities in General</i></p> <p>Rule 3.2: <i>Appearances before Governmental Bodies and Consultation with Government Officials</i></p> <p>Rule 3.3: <i>Acting as a Character Witness</i></p> <ul style="list-style-type: none"> • Changed title of rule

Rule 3.4: <i>Appointments to Governmental Positions</i>	Rule 3.4: <i>Appointments to Governmental Positions</i> <ul style="list-style-type: none"> Added “except with prior approval of the Indiana Supreme Court”
Rule 3.5: <i>Use of Nonpublic Information</i>	Rule 3.5: <i>Use of Nonpublic Information</i>
Rule 3.6: <i>Affiliation with Discriminatory Organizations</i>	Rule 3.6: <i>Affiliation with Discriminatory Organizations</i>
Rule 3.7: <i>Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities</i>	Rule 3.7: <i>Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities</i>
Rule 3.7(A) (permitted civic and charitable activities)	Rule 3.7(A) <ul style="list-style-type: none"> Added “A judge may not directly solicit funds for an organization”
Rule 3.8: <i>Appointments to Fiduciary Positions</i>	Rule 3.8: <i>Appointments to Fiduciary Positions</i>
Rule 3.9: <i>Service as Arbitrator or Mediator</i>	Rule 3.9: <i>Service as Arbitrator or Mediator</i>
Rule 3.10: <i>Practice of Law</i>	Rule 3.10: <i>Practice of Law</i> <ul style="list-style-type: none"> Added exception for judges practicing law pursuant to military service
Rule 3.11: <i>Financial, Business, or Remunerative Activities</i>	Rule 3.11: <i>Financial, Business, or Remunerative Activities</i>
Rule 3.11(A) (permitted business interests)	Rule 3.11(A) <ul style="list-style-type: none"> Moved general prohibitions from 3.11(C) to 3.11(A) Moved appropriate business interests to 3.11(B)

Rule 3.11(B) (prohibited business interests)	<p>Rule 3.11(B)</p> <ul style="list-style-type: none"> • Amended to permit judges to engage in business and other remunerative activities beyond investments, real estate, and closely-held businesses
Rule 3.11(C) (general prohibitions)	<p>Rule 3.11(C)</p> <ul style="list-style-type: none"> • Deleted prohibition against business interests other than investments, real estate, and closely-held businesses • Moved general prohibitions to Rule 3.11(A)
Rule 3.12: <i>Compensation for Extrajudicial Activities</i>	Rule 3.12: <i>Compensation for Extrajudicial Activities</i>
Rule 3.13: <i>Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value</i>	Rule 3.13: <i>Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value</i>
No corresponding citation	<p>Rule 3.13(B)(9), (10)</p> <ul style="list-style-type: none"> • Moved gifts incident to public testimonials from 3.13(C)(1). • Moved invitations to law-related, civic, and charitable functions from 3.13(C)(2). • Added Rule 3.13(B)(9) • Added Rule 3.13(B)(10)
Rule 3.13(C)(1) (gifts incident to public testimonies)	<p>No corresponding citation</p> <ul style="list-style-type: none"> • Moved to Rule 3.13(B)(9)
Rule 3.13(C)(2)	<p>No corresponding citation</p> <ul style="list-style-type: none"> • Moved to Rule 3.13(B)(10)
Rule 3.13(C)(3)	<p>Rule 3.13(C)</p> <ul style="list-style-type: none"> • Deleted reference to gifts from lawyers; see Comment [3]

<p>Rule 3.14: <i>Reimbursement of Expenses and Waivers of Fees or Charges</i></p> <p>Rule 3.15: Reporting Requirements</p> <p>Rule 3.15(A)(2) (value above which Rule 3.13(C) gifts to be reported)</p> <p>Rule 3.15(A)(3) (value above which Rule 3.14 reimbursement of fees must be reported)</p> <p>Rule 3.15(C) (time for reporting)</p> <p>Rule 3.15(D)</p>	<p>Rule 3.14: <i>Reimbursement of Expenses and Waivers of Fees or Charges</i></p> <p>Rule 3.15: <i>Financial Reporting Requirements</i></p> <ul style="list-style-type: none"> Added “Financial” to title of Rule <p>Rule 3.15(A)(2)</p> <ul style="list-style-type: none"> Inserted \$150.00 as the value above which some gifts and loans received under 3.13(C) must be reported <p>Rule 3.15(A)(3)</p> <ul style="list-style-type: none"> Inserted \$150.00 as the amount above which reimbursed expenses for extrajudicial activities received under Rule 3.14 must be reported <p>Rule 3.15(C)</p> <ul style="list-style-type: none"> Deleted requirement to report reimbursement within 30 days <p>No corresponding citation</p> <ul style="list-style-type: none"> Deleted requirement that reports must be filed with court clerk and on court’s website if feasible
<p style="text-align: center;">Canon 4</p> <p>A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity That is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary</p>	<p style="text-align: center;">Canon 4</p> <p>A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity That is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary</p>
<p>Rule 4.1: <i>Political and Campaign Activities of Judges and Judicial Candidates in General</i></p>	<p>Rule 4.1: <i>Political and Campaign Activities of Judges and Judicial Candidates in General</i></p>

Rule 4.1(A) (general prohibitions)	Rule 4.1(A) (general prohibitions)
Rule 4.1(A)(10) (use of court resources in campaigning)	Rule 4.1(A)(10) <ul style="list-style-type: none"> Added “or for any political purpose” to prohibition against use of court resources
No corresponding citation	Rule 4.1(A)(14) <ul style="list-style-type: none"> Moved rule against permitting others to do on the judge’s behalf what the judge is prohibited from doing from Rule 4.1(B)
No corresponding rule or citation	Rule 4.1(B) <ul style="list-style-type: none"> Added general rules for nonpartisan judges and judicial officers
No corresponding rule or citation	Rule 4.1(C) <ul style="list-style-type: none"> Added general rules for partisan judges and judicial officers
Rule 4.2: <i>Political and Campaign Activities of Judicial Candidates in Public Elections</i>	Rule 4.2: <i>Political and Campaign Activities of Judicial Candidates in Public Elections</i>
No corresponding rule or citation	Rule 4.2(A)(5) <ul style="list-style-type: none"> Added rule requiring notification of candidacy to Qualifications Commission
Rule 4.2(B) (campaign rules for all judges and candidates)	Rule 4.2(B) <ul style="list-style-type: none"> Amended to apply only to retention candidates
No corresponding rule or citation	Rule 4.2(C) <ul style="list-style-type: none"> Added rule to apply only to nonpartisan candidates

No corresponding rule or citation	<p>Rule 4.2(D)</p> <ul style="list-style-type: none"> Added rule to apply only to partisan candidates
Rule 4.3: <i>Activities of Candidates for Appointive Judicial Office</i>	<p>Rule 4.3: <i>Activities of Candidates for Appointment to Judicial Office</i></p> <ul style="list-style-type: none"> Changed title of rule
No corresponding rule or citation	<p>Rule 4.3(C)</p> <ul style="list-style-type: none"> Added rule that candidates for appointment are bound by rules applicable to office sought
Rule 4.4: <i>Campaign Committees</i>	Rule 4.4: <i>Campaign Committees</i>
Rule 4.4(B)(1) (reasonable contributions; maximum aggregate)	<p>Rule 4.4(B)(1)</p> <ul style="list-style-type: none"> Deleted maximum aggregate contribution
Rule 4.4(B)(2) (time for accepting contributions)	<p>Rule 4.4(B)(2)</p> <ul style="list-style-type: none"> Inserted 1 year/90 day rule for receipt of contributions
Rule 4.4(B)(3) (campaign reports; reporting contributions over aggregate amount)	<p>Rule 4.4(B)(3)</p> <ul style="list-style-type: none"> Amended rule to include only statutorily-required reports of contributions
Rule 4.5: <i>Activities of Judges Who Become Candidates for Nonjudicial Office</i>	Rule 4.5: <i>Activities of Judges Who Become Candidates for Nonjudicial Office</i>
No corresponding rule or citation	<p>Rule 4.6: <i>Political Activities of Nonjudicial Court Employees</i></p> <ul style="list-style-type: none"> Added “resign-to-run” rule for court employees

